

**Remarks**

Claims 1, 5-9, 14, 20, 22-25, 27, 29, 35-39, 41, 42, 44-49, 51-53, 55-59 and 69-84 are pending.

**Response to Restriction Requirement**

In the Office Action mailed March 6, 2007, the Applicants were required to elect a species from each of three alleged sets of species. The three sets are: Set #1, claims 72-74, directed to species of fluorescent labels; Set #2, claims 75-80, directed to species of dNTPs, and Set #3, claims 1 and 81-84, directed to species of labeling the TS-DNA.

In response, Applicants elect the following without traverse:

1. Set #1: Applicants elect A) the fluorescent label is a CyDye and the CyDye is Cy2.

Claims 1, 5-9, 14, 20, 22-25, 27, 29, 35-39, 41, 42, 44-49, 51-53, 55-59, 69-73, and 75-84 read on the elected species.

2. Set #2: Applicants elect L) at least one said dNTP is a fluorescence-labeled nucleotide.

Claims 1, 5-9, 14, 20, 22-25, 27, 29, 35-39, 41, 42, 44-49, 51-53, 55-59 and 69-84 read on the elected species.

3. Set #3: Applicants elect W) the TS-DNA is labeled with an intercalating label. Claims 1,

5-9, 14, 20, 22-25, 27, 29, 35-39, 41, 42, 44-49, 51-53, 55-59 and 69-84 read on the elected species.

Thus examination of the subject matter of claims 1, 5-9, 14, 20, 22-25, 27, 29, 35-39, 41, 42, 44-49, 51-53, 55-59 and 69-84 is respectfully requested.

**ATTORNEY DOCKET NO. 17104.0001U2**  
**Application No. 09/920,571**

Favorable consideration of claims 1, 5-9, 14, 20, 22-25, 27, 29, 35-39, 41, 42, 44-49, 51-53, 55-59 and 69-84 is earnestly solicited.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$225.00 for the fee for a small entity under 37 C.F.R. § 1.17(a)(2) and a Request for Two Month Extension of Time are also enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted by EFS-WEB on the date indicated below.

  
Scott D. Marty

5-7-07  
Date